

Senator Pyle moved to amend section one by striking out the name of A. Faulkner. Adopted. The bill was then ordered engrossed; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Henry, Pyle, Randle, Ruby, Swift and Tracy—17.

Nays—Senators Dillard, King, Latimer and Word—4.
Senator Dohoney in the chair.

Senator Fountain moved a suspension of the rules to take up out of its order House bill No. 663, "An act to provide for the protection of life and property in certain counties in this State." Carried. The bill was read second time and made special order for to-morrow at 11 o'clock A. M., and one hundred copies ordered printed.

Senator Ruby moved a suspension of the rules to take up out of its order House bill No. 148, "An act amendatory of and supplemental to an act entitled an act to incorporate the Merchants' Mutual Insurance Company, approved September 1, 1866." Carried. The bill was read second time.

Senator Ruby proposed to amend by striking out the word "mutual" wherever it occurs. Adopted. The rules were further suspended, the bill read third time and passed.

On motion of Senator Baker, the Senate adjourned to 9 o'clock A. M. to-morrow.

SENATE CHAMBER, }
AUSTIN, TEXAS, May 6, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

On motion of Senator Avinger, the reading of the journal of yesterday was dispensed with.

Senator Latimer submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: I beg leave to report on behalf of Committee on Enrolled Bills that I did, on Saturday the third instant, at 1:45 P. M., present to His Excellency the Governor, for his approval and signature, the following Senate bills, to-wit:

Senate bill No. 184, "An act to incorporate the German Germania of Columbus."

Senate bill No. 167, "An act to incorporate the Jefferson Institute, located in the city of Jefferson, in the county of Marion, in the State of Texas."

Senate bill No. 306, "An act to incorporate the town of Wharton, in Wharton county."

And Senate joint resolution No. 32, instructing our Senators and requesting our Representatives in Congress to endeavor to secure the improvement of the harbor of Galveston, and requesting for the memorial of the mayor and board of aldermen of the city of Galveston upon that subject the early and favorable consideration of the Congress of the United States.

H. R. LATIMER, Chairman.

Senator Henry, chairman of Judiciary Committee No. 1, submitted the following reports :

Hon. E. B. Pickett, President of the Senate :

SIR: A majority of your Committee on Judiciary No. 1, to whom was referred Senate bill No. 299, entitled "An act concerning divorce and alimony," approved January 6, 1841, ask leave to report it back and recommend that it do not pass.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate :

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 337, entitled "An act for the relief of Hon. Nat. M. Burford, instruct me to report it back and recommend its passage.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate :

SIR: Your Committee on Judiciary No. 1, to whom was referred House bill No. 386, entitled "An act to validate a certain land certificate therein named," instruct me to report the same back with the recommendation that it be referred to your Committee on Private Land Claims.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate :

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 205, entitled "An act concerning the acquisition and alienation of lands by railroads, and to prevent landed monopolies," ask leave to report it back to the Senate with the recommendation that it do not pass.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Judiciary No. 1, to whom was referred Senate bill No. 285, entitled "An act concerning the estates of minors and deceased persons," ask leave to report the same back, and recommend that it do not pass.

JOHN L. HENRY, Chairman.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred Senate bill No. 65, entitled "An act to incorporate the El Paso Irrigating Company," after a careful consideration of the same, instruct me to report it back to your honorable body, and recommend that it be indefinitely postponed.

JOHN L. HENRY, Chairman.

On motion of Senator Fountain, the rules were suspended to consider the report just read.

On motion of Senator Fountain, the report of the Committee, recommending the indefinite postponement of the bill, was adopted.

Hon. E. B. Pickett, President of the Senate:

SIR: Your Judiciary Committee No. 1, to whom was referred House bill No. 242, "An act to secure good bonds from public officers," ask leave to report that they have carefully examined the bill, and that while your committee are fully aware of the importance of providing for and enforcing the execution of good bonds from public officers, they are of opinion that if this bill should become a law, more than half of the officers elected by the people would fail to be able to give the required bonds, because of the refusal of owners of real estate to become sureties thereon, under a law so extremely rigorous.

More than this, your committee deem that one of the greatest inducements we can offer to persons to come to our State and purchase our lands, is the perfect title they may acquire to that land, and the ease and facility with which they may, at their own option, transfer the same; while under this bill the real estate of the sureties on every official bond in the State would be tied up by a lien in favor of the State, not always discoverable by the *bona fide* purchaser on the records of the counties where it is situated, thus withholding from sale under legal title large bodies of land, or subjecting *bona fide* purchasers to the danger of purchasing an unsound title. And your committee recommend that the bill do not pass.

JOHN L. HENRY, Chairman.

On motion of Senator Ford, the rules were suspended to consider the report just read.

On motion of Senator Ruby, the report of the committee, recommending that the bill do not pass, was adopted.

Senator Dohoney, of Judiciary Committee No. 1, submitted the following majority report:

Hon. E. B. Pickett, President of the Senate:

SIR: A majority of your Judiciary Committee No. 1, to whom was referred Senate bill No. 288, entitled "An act to incorporate the Austin and Colorado Valley Water Works and Irrigation Company, and to provide a method to aid said company in the accomplishment of the object of its creation," after careful examination of the same, beg leave to report it back and recommend its passage.

E. L. DOHONEY,

A. J. BALL,

HENRY C. KING,

A. J. FOUNTAIN.

Senator Henry submitted the following majority report:
Hon. E. B. Pickett, President of the Senate:

SIR: A majority of your Committees Nos. 1 and 2 on Judiciary, to whom was referred House bill No. 35, entitled "An act to authorize parties in certain cases to sue in the district courts for headright certificates, and bounty and donation warrants, and to provide for the issuance of such certificates and warrants," instruct me to report it back and recommend its passage with accompanying amendments.

JOHN L. HENRY, Chairman.

Amend section one, line thirteen, by inserting after the word "therefor," "and all persons holding bounty or donation certificates, but which have not been approved as required by the law heretofore in force."

Insert after the word "died," in line twenty-one, section one, "or reside out of the State, or their residence is unknown."

Amend section two, line three, by inserting after the word "court," the words "of the county of his or her residence, or in the county of the residence of his or her agent or attorney, if a non-resident."

Amend by striking out "or," before "conditional," and insert after the word "conditional," "or unrecommended."

Senator Finlay submitted the following minority report:
Hon. E. B. Pickett, President of the Senate:

SIR: The undersigned, a minority from Judiciary Committees Nos. 1 and 2, having had under due consideration House bill No. 35, to be entitled "An act to authorize parties in certain cases to sue in district courts for head-right certificates, and bounty and donation warrants, and to provide for the issuance of such certificates and warrants," beg leave to report the accompanying substitute therefor, with the recommendation that it do pass.

GEO. P. FINLAY, Chairman.

Senator Shelley moved a suspension of the rules to consider the two reports just read. Carried.

On motion of Senator Shelley, the bill was made special order for Friday next, at 11 o'clock A. M., and one hundred copies of the bill and substitute, and the majority and minority reports, ordered printed.

Senator Shelley, chairman of the Committee on Finance, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Finance, to whom was referred "The petition of Julius Raymond, a school teacher of Hays county, to the Legislature of the State of Texas," having carefully considered the same, instruct me to report it back, and recommend that it be referred to the select committee to whom was referred bill making appropriation to pay teachers.

N. G. SHELLEY, Chairman.

Senator Finlay in the chair.

Senator Cole offered the following resolution:

WHEREAS, The position of assistant doorkeeper of the Senate has been made vacant by the death of J. H. Murray; therefore,

Resolved, That the Senate do now proceed by election to fill the vacancy for the remainder of the session.

The resolution was adopted, and the Senate proceeded to elect an assistant doorkeeper.

Nominations being in order, Senator Pyle nominated Thomas Hancock.

Senator Latimer nominated Mr. Lawson.

Senators Dohoney, Fountain and Sayers were appointed tellers.

Thomas Hancock received sixteen votes, and Mr. Lawson received nine votes.

Thomas Hancock having received a majority of all the votes cast, was declared elected assistant doorkeeper.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 296, "An act prescribing the times of holding general elections in this State."

Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High School House, in Nacogdoches county."

House bill No. 111, "An act to incorporate the Dallas, Palestine and Southeast Texas Railroad Company."

Senator Baker offered the following resolution, which was adopted:

Resolved, That the Committee on Constitutional Amendments be requested to report on the various amendments that have been submitted to it, to the end that this Senate may determine upon those that should be submitted to the people at the next general election.

Senator Evans introduced a bill to be entitled "An act for the relief of Wm. M. Cook." Read first time and referred to the Committee on Claims and Accounts.

Senator Henry introduced a bill to be entitled "An act for the relief of J. M. Douglass, assignee of John H. Uplike." Read first time and referred to the Committee on Private Land Claims.

Senator King introduced a bill to be entitled "An act for the relief of Rebecca M. Stroud." Read first time and referred to the Committee on Claims and Accounts.

On motion of Senator Saylor the rules were suspended to take up out of its order Senate bill No. 305, "An act to incorporate the Texas Land and Colonization Company." The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley and Word—22.

On motion of Senator Dohoney the rules were suspended to take up out of its order Senate bill No. 259, "An act to incorporate the Fort Worth and Denver City Railway Company."

The bill was read second time, and on motion of Senator Shelley was made special order for to-morrow at 4 o'clock P. M., and one hundred copies ordered printed.

On motion of Senator Pyle, the rules were suspended to take up out of its order House bill No. 367, "An act to incorporate Marvin College." The bill was read second time and passed to third reading; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Franks, Gaines, Henry, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Shelley, Swift, Tracy and Word—24.

On motion of Senator Flanagan, the rules were suspended to take up House bill No. 665, "An act to prohibit the sale of intoxicating or spirituous liquors within three miles of the institution of learning situated near Mount Enterprise, in Rusk county, Texas." The bill was read second time and passed to third reading; rules further suspended, read third time and passed.

On motion of Senator King, the rules were suspended to take up Senate bill No. 162, "An act for the payment to Thomas F. McKinney and Anna McKinney a portion of the debt of the late Republic of Texas." The bill was read second time, and the report of the committee recommending a substitute adopted.

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Ball, Cole, Evans, Ford, Finlay, Henry, King, Latimer, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Tracy and Word—16.

Nays—Senators Avinger, Baker, Dillard, Dohoney, Gaines, Hall, Rawson and Swift—8.

On motion of Senator Baker, the rules were suspended to take up House bill No. 575, "An act for the relief of the estate of John T. Story." The bill was read second time and passed to third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Sayers, Shelley, Swift, Tracy and Word—23.

On motion of Senator Franks, the rules were suspended to take up House bill No. 126, "An act for the relief of A. S. Thurmond." The bill was read second time and passed to third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Ruby, Sayers, Shelley, Swift, Tracy and Word—22.

Nay—Senator Rawson—1.

On motion of Senator Sayers, the rules were suspended to take up House bill No. 498, "An act for the relief of the heirs of Charles Forrister."

The bill was read second time and passed to third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby Sayers, Saylor, Shelley, Swift, Tracy and Word—24.

On motion of Senator Dohoney, the rules were suspended to take up House bill No. 381, "An act to incorporate the town of Ladonia, in Fannin county."

The bill was read second time, and the report of the committee recommending amendments adopted.

The rules were further suspended, the bill read third time and passed.

On motion of Senator Sayers, the rules were suspended to take up House bill No. 748, "An act to incorporate the Texas and European Beef Company, of Galveston, Texas."

The bill was read second time.

Senator Ruby proposed to amend as follows: Add at the end of section two the words, "at or within the city and port of Galveston." Lost.

The rules were suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Finlay, Flanagan, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Saylor, Sayers, Shelley, Swift, and Word—22.

Nays—Senators Ford, Gaines, Ruby and Tracy—4.

On motion of Senator Tracy, the rules were suspended to take up Senate bill No. 236, "An act to incorporate the Eastern and Narrow Gauge Railway Company."

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard,

Dohoney, Ford, Finlay, Flanagan, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—24.

On motion of Senator Swift, the rules were suspended to take up House bill No. 156, "An act to validate the survey of John B. Dillard, and authorize patent to issue on the same."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Gaines, Hall, King, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—20.

Nays—Senators Flanagan, Pyle and Rawson—3.

On motion of Senator Hall, the rules were suspended to take up House bill No. 256, "An act to incorporate the Hebrew Benevolent Society of Calvert, in Robertson county, Texas."

The bill was read second time, and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Franks, Gaines, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tracy and Word—24.

On motion of Senator Ball the rules were suspended to take up Senate bill No. 266, "An act for the relief of the heirs of Augustus W. Shipley."

The bill was read second time, and passed to a third reading; rules further suspended, the bill read third time, and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Franks, Hall, Henry, King, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tracy and Word—22.

Nay—Senator Evans—1.

On motion of Senator Cole, the rules were suspended to take up Senate bill No. 322, "An act to authorize G. W. Harper to construct and keep a toll bridge across Sulphur Fork of Red River."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Franks, Gaines, Hall, Henry, Latimer, Rawson, Ruby, Sayers, Shelley, Tracy and Word—20.

On motion of Senator Henry, the rules were suspended to take up House bill No. 391, "An act to prevent the gift or sale of intoxicating liquors within two miles of Garden Valley Seminary, in Smith county, Texas."

The bill was read second time and passed to a third reading: rules further suspended, bill read third time and passed.

By leave, Senator Franks presented a memorial of the teachers of public schools of Colorado county." Read and referred to the Select Committee on the Teachers' Appropriation bill.

On motion of Senator Franks, the rules were suspended to take up House bill No. 794, "An act to amend section seven of an act entitled an act to incorporate the city of Waco." The bill was read second time.

Senator Ford offered the following amendment: Amend section one, line twenty-three, by inserting the following after the word "city": "said special tax to be levied only one time, and the funds arising therefrom shall be applied only to the purchasing fire apparatus, and providing for water reservoirs within said limits." Adopted.

The rules were further suspended, the bill read third time and passed.

On motion of Senator Latimer, the rules were suspended to take up Senate bill No. 235, "An act for the relief of the heirs and assignees of Joseph Percival, deceased."

The bill was read second time and ordered engrossed: rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Franks, Gaines, Hall, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tracy and Word—20.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 181, "An act regulating contested elections."

House bill No. 453, "An act regulating taxation."

House bill No. 291, "An act to incorporate the Gulf, Colorado and Santa Fé Railway Company."

On motion of Senator Ruby, the rules were suspended to take up Senate joint resolution No. 38, for the relief of John G. Todd, surviving captain of the navy of the Republic of Texas.

On motion of Senator Ruby, the bill was made special order for to-morrow at 10 o'clock A. M.

On motion of Senator Evans, the rules were suspended to take up House bill No. 671, "An act to incorporate the Mechanics' Real Estate and Savings Association of Dallas."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Do-honey, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Latimer, Randle, Ruby, Saylor, Sayers, Shelley and Word—21.

On motion of Senator Avinger, the rules were suspended to take up House bill No. 605, "An act to authorize Ezra Carpenter to build and keep a toll bridge on Big Cypress."

The bill was read second time and passed to third reading; rules further suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Do-honey, Evans, Ford, Finlay, Flanagan, Fountain, Franks, King, Latimer, Rawson, Ruby, Saylor, Shelley, Tracy and Word—20.

The hour having arrived for the special order, viz., the "Frontier bill," on motion of Senator Shelley, the same was postponed until Thursday next at 4 o'clock P. M.

On motion of Senator Word, the rules were suspended to take up House bill No. 243, "An act granting a charter to O. M. Airheart to create, keep and run a ferry boat at the Spivy crossing, on Trinity river, in Henderson and Navarro counties."

The bill was read second time and passed to third reading; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Do-honey, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Ruby, Saylor, Sayers, Shelley, Tracy and Word—22.

On motion of Senator Fountain, the rules were sus-

pended to take up Senate bill No. 288, "An act to incorporate the Austin and Colorado Valley Water Works and Irrigating Company, and to provide a method to aid said company in the accomplishment of the object of its creation."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Flanagan, Fountain, Hall, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers and Shelley—20.

By leave, Senator Ruby introduced a bill to be entitled "An act to amend sections thirty-three and three hundred and four of the act entitled an act prescribing the mode of proceeding in district courts in matters of probate." Read first time and referred to Judiciary Committee No. 2

On motion of Senator Pyle, the rules were suspended to take up House bill No. 264, "An act to authorize the Police Court of Ellis county to levy and collect a special tax for the purpose of building a jail." The bill was read second time, and the report of the committee recommending amendments adopted. The rules were further suspended, the bill read third time and passed.

Senator Latimer offered the following resolution, which was adopted:

Resolved, That the secretary of the Senate be and he is hereby authorized and required to issue his certificate for *per diem* pay to N. P. Lawson, as assistant door-keeper of the Senate, from the twenty-third day of April to the sixth day of May, instant, both inclusive.

On motion of Senator Flanagan, the rules were suspended to take up House bill No. 293. "An act to incorporate the Lee Fire Engine Company No. 5 of the city of Galveston." The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Ball, Cole, Dillard, Evans, Finlay, Flanagan, Franks, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tracy and Word—21.

On motion of Senator Saylor the rules were suspended to take up House bill No. 416, "An act to prohibit the

sale of intoxicating liquors within six miles of Davilla Institute, Milam county, except for medical or sacramental purposes." The bill was read second time; rules suspended, read third time and passed.

On motion of Senator Cole the rules were suspended to take up Senate bill No. 213, "An act to incorporate the Steam Ship Wharf Company."

The bill was read second time, and the report of the committee, recommending an amendment, adopted. The bill was then ordered engrossed; rules suspended, read third time, and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Pyle, Rawson, Randle, Saylor, Shelley, Tracy and Word—23.

On motion of Senator Dillard the rules were suspended to take up House bill No. 573, "An act to validate the election held in the town of Crockett, Houston county." The bill was read second time and passed to a third reading; rules further suspended, read third time and passed.

On motion of Senator Fountain the rules were suspended to take up House bill No. 557, "An act to incorporate the Brazos Santiago and Rio Grande Canal Company." The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, Henry, King, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Tracy and Word—25.

On motion of Senator Hall the rules were suspended to take up House bill No. 357, "An act to incorporate Owinsville High School."

The bill was read second time and passed to third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Franks, Gaines, Hall, King, Latimer, Rawson, Randle, Saylor, Shelley and Word—21.

Senator Latimer, chairman of Committee on Enrolled Bills, reported as follows:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills would respect-

fully report that they have carefully examined and compared Senate bill No. 296, "An act prescribing the times of holding general elections in this State," and find the same correctly enrolled.

H. R. LATIMER, Chairman.

On motion of Senator Henry, the rule was suspended, and Senate bill No. 263 was taken up, read second time and ordered engrossed; rule suspended, read third time and passed.

Senator King, chairman of Committee on Engrossed Bills, submitted the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Engrossed Bills have examined and find correctly engrossed the following bills:

Senate bill No. 111, "An act to provide for supplying the records of Lampasas county, destroyed by fire."

Senate joint resolution No. 40, "Authorizing and requiring the sheriff of Williamson county, by himself or deputy, to summon a posse for the purpose of pursuing and arresting certain persons accused of crime, and providing rewards for such arrests."

Senate bill No. 270, "An act to amend sections one, two, fourteen and fifteen of an act to incorporate the Calvert and Belton Railroad Company, passed May 25, 1871, and to grant land to aid in the construction of said railroad."

Senate bill No. 228, "An act to incorporate the town of Jacksonville, in Cherokee county."

Senate bill No. 307, "An act to organize certain judicial districts, and to abolish certain other judicial districts therein named."

HENRY C. KING, Chairman.

On motion of Senator Shelley, the Senate then went into executive session.

In Senate.

On motion of Senator Pyle, the secretary of the Senate was instructed to inform his Excellency the Governor that the Senate had advised and consented to the appointment of the following named persons to be notaries public in the counties opposite to their names, respectively:

Osceola Archer, Notary Public, Travis county.

T. James, Notary Public, Smith county.

H. Rawson, Notary Public, Harrison county.

W. S. Griffin, Notary Public, Lamar county.

On motion, the Senate adjourned to 4 o'clock P. M.

EVENING SESSION.

Senate met pursuant to adjournment Roll called; quorum present.

Unfinished business, viz., Senate concurrent resolution concerning the members of Congress from the State of Texas, was taken up.

Senator Swift offered the following amendment:

Amend after the word "whereas," in first line, by inserting the names of Senators J. W. Flanagan and Morgan Hamilton.

Senator Shelley offered the following substitute for the resolution:

WHEREAS, The Democratic party, the party of the people, recognizing in all its principles and policy that the people are capable of self-government, and that those who for the time are their representatives in the exercise of the powers and functions of official positions, are their servants, and not their masters or censors, authorized and empowered to advise or admonish them as to what they should do, or what judgments they should pass upon the conduct of their servants in any capacity whatsoever; and,

Whereas, That great party of the people are not dependant upon, and especially would not expect the people to be benefited by the advice or admonitions coming from the Republican party; therefore, be it

Resolved by the Senate, That the people of the State of Texas; as well as the people of all the States, are fully competent to judge of and pass upon the conduct of their representatives in Congress, upon whatever subject they may have acted; and any action on the part of the Legislature, except as to Senators in Congress who are elected by the joint session of the Legislature, is simply impertinent officiousness, whether emanating from Republican or Democratic sources.

Resolved further, That we deem it especially inopportune at this time to give any expression of opinion upon the action of the late Congress, in which the representatives of the Democratic party were almost wholly without power, because of the overwhelming Republican majority, upon the subject of increased pay; because if we approved we would be regarded as sycophantic and insincere; if we condemned we would be regarded as contumacious, if not disloyal.

Senator Finlay in the chair.

The Chair ruled the resolution, the amendment offered by Senator Swift, and the substitute offered by Senator Shelley, all out of order.

Senator Latimer, chairman of the Committee on Enrolled Bills, made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined Senate bill No. 173, "An act to prohibit the sale of intoxicating liquors within two miles of Linn Flat High School House, in Nacogdoches county, and find the same correctly enrolled.

H. R. LATIMER, Chairman.

A message was received from the House informing the Senate that the House had passed the following bills:

Senate bill No. 311, "An act to incorporate the Bastrop Turn Verein."

Senate bill No. 331, "An act to prohibit the sale of intoxicating liquors within two miles of Pattonville, in Lamar county."

Senate bill No. 13, "An act to consolidate the Houston Tap and Brazoria Railway, the Huntsville Branch Railway and the Victoria and Columbus Railroad with the Houston and Great Northern Railroad."

Senate joint resolution memorializing Congress to provide for the improvement of the entrance into Matagorda bay.

Also that the House had concurred in the amendments of the Senate to the following House bills:

No. 468, "An act for the relief of J. Lancaster."

No. 125, "An act to prescribe the mode and manner of designating exempted homesteads in certain cases."

On motion of Senator Pyle, the rules were suspended to take up Senate bill No. 297, "An act for the relief of R. C. Hunt."

The bill was read second time, and the report of the committee recommending amendments adopted:

The bill was then ordered engrossed; rules suspended, bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, King, Latimer, Pyle, Randle, Ruby, Saylor, Shelley, Swift, Tracy and Word—23.

On motion of Senator Dillard, the rules were suspended to take up Senate bill No. 269, "An act to empower the Police Court of Cherokee county to levy and collect a special tax for the purpose of paying the present liabilities of said county."

The bill was read second time and the report of the committee recommending a substitute for the bill adopted. The bill was then ordered engrossed; rules further suspended, read third time and passed.

On motion of Senator Shelley, the rules were suspended to take up Senate bill No. 283, "An act making an appropriation to pay a judgment against the State in favor of E. M. Smith."

The bill was read second time and the report of the committee recommending amendments adopted. The bill was ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, King, Latimer, Pyle, Randle, Ruby, Saylor, Shelley, Swift, Tracy and Word—23.

On motion of Senator Swift, the rules were suspended to take up House bill No. 536, "An act to change and define the boundary lines of Trinity county, and to provide for the further organization of the same."

The bill was read second time and passed to a third reading; rules further suspended, the bill read third time and passed.

On motion of Senator Shelley, the rules were suspended to take up House bill No. 320, "An act to authorize the County Court of Comanche county to issue bonds for certain purposes."

The bill was read second time, and passed to third reading; rules further suspended, bill read third time, and passed.

On motion of Senator Hall, the rules were suspended to take up House bill No. 196, "An act to amend an act entitled an act to incorporate the city of Calvert, in Robertson county, approved April 12, 1871."

The bill was read second time, and the report of the committee recommending amendments adopted; rules further suspended, bill read third time and passed.

On motion of Senator Flanagan, the rules were suspended to take up House bill No. 173, "An act to pro-

hibit the sale of intoxicating or spirituous liquors within two miles of the institution of learning situated at Woods, in Panola county, Texas." The bill was read second time and passed to a third reading; rules further suspended, read third time and passed.

On motion of Senator Latimer, the rules were suspended to take up House bill No. 473, "An act to authorize the county of Bell to issue interest-bearing bonds." The bill was read second time and passed to third reading; rules further suspended, read third time and passed.

On motion of Senator Baker, the rules were suspended to take up House bill No. 457, "An act for the relief of Michael B. Bateham." The bill was read second time and passed to a third reading; rules further suspended, the bill read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, King, Latimer, Pyle, Ruby, Saylor, Shelley, Tracy and Word—20.

On motion of Senator Word, the rules were suspended to take up House bill No. 566, "An act to prohibit the sale of intoxicating lipuors within two miles of Cotton Gin Seminary, in Freestone county, Texas." The bill was read second time and passed to a third reading; rules further suspended, read third time and passed.

On motion of Senator Ball, the rules were suspended to take up House bill No. 210, "An act to incorporate the town of Whitesboro, in Grayson county." The bill was read second time, and the report of the committee recommending amendments adopted; rules further suspended, the bill read third time and passed.

On motion of Senator Ruby, the rules were suspended to take up House bill No. 602, "An act to amend an act passed at this session of the Legislature amending the charter of the Galveston Artillery Company." The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, King, Latimer, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—23.

On motion of Senator Gaines the rules were suspended to take up House bill No. 525, "An act to incorporate the Hebrew Benevolent Association of Waco."

The bill was read second time and passed to a third reading; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Gaines, King, Latimer, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—22.

On motion of Senator King the rules were suspended to take up Senate bill No. 293, "An act for the relief of A. Howell."

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, King, Latimer, Randle, Ruby, Sayers, Shelley, Swift, Tracy and Word—21.

On motion of Senator Avinger the rules were suspended to take up Senate bill No. 289, "An act to incorporate the Hebrew Sinai Congregation of Jefferson, Texas."

The bill was read second time and ordered engrossed; rules further suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Dillard, Dohoney, Evans, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, King, Latimer, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tracy and Word—22.

On motion of Senator Randle the rules were suspended to take up Senate bill No. 326, "An act to validate first class land certificate No. 150, issued to Freeman Prewitt by the Board of Land Commissioners of Jasper county, July 5, 1839."

The bill was read second time and ordered engrossed; rules suspended, read third time and passed by the following vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, King, Latimer, Randle, Ruby, Sayers, Shelley, Swift and Tracy—19.

Nay—Senator Word—1.

On motion of Senator Sayers the rules were suspended and House joint resolution No. 553, authorizing J. G. Killough to draw the *per diem* pay of Louis Franke, deceased, was taken up and read first and second times

and passed to third reading; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Ford, Finlay, Flanagan, Fountain, Gaines, Hall, Henry, King, Randle, Saylor, Sayers, Shelley, Swift, Tracy and Word—19.

Nay—Senator Evans—1.

On motion of Senator Ball the rules were suspended and House bill No. 756, "An act to authorize Denton county to levy a special tax to build a court house," was taken up, read second time and passed to third reading; rules suspended, read third time and passed.

On motion of Senator Henry the rules were suspended and House bill No. 392, "An act to incorporate the Garden Valley Seminary, in Smith county, Texas," was taken up, read second time and passed to the third reading; rules suspended, read third time and passed.

On motion of Senator Saylor the rules were suspended and House bill No. 171, "An act amendatory of and supplemental to an act to incorporate the Central Bank, passed March 31, 1871," was read second time and passed to the third reading; rules suspended, read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Dohoney, Evans, Ford, Finlay, Fountain, Flanagan, Gaines, Hall, Henry, King, Latimer, Pyle, Randle, Ruby, Saylor, Sayers, Shelley, Swift and Tracy—22.

Nays—Senators Dillard and Word—2.

On motion of Senator Shelley the rules were suspended and Senate bill No. 256, "An act to authorize the County Court of Lampasas county to levy a special tax," with a report of committee recommending a substitute, was taken up, substitute adopted, bill read second time and ordered engrossed; rules suspended, read third time and passed.

A message was received from the House informing the Senate that the House had passed House bill No. 596, "An act amendatory of and supplemental to an act to organize and incorporate the East Linn and Red River Railroad Company, approved March 22, 1871.

The following House bills were taken from the President's desk, read first time and referred to the committees indicated:

House bill No. 383, "An act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company." Committee on Internal Improvements.

No. 209, "An act to regulate the issuing of land patents in certain cases." Judiciary Committee No. 1.

No. 474, "An act to incorporate the Hearne, Belton and Northwestern Railroad." Committee on Internal Improvements.

No. 802, "An act to enable certain towns and cities to erect hospitals." Committee on State Affairs.

No. 50, "An act to regulate the practice of medicine." To special committee, consisting of Senators Avinger, Pyle and Cole.

No. 610, "An act to incorporate the City Bank of Dallas." Committee on State Affairs.

No. 531, "An act to authorize the Commissioner of the General Land Office to furnish photographic county maps to the several counties of the State." Committee on Land Office.

No. 228, "An act to amend article four hundred and thirty-five of the Code of Criminal Procedure." Judiciary Committee No. 1.

No. 812, "An act to enlarge the boundaries of Concho county." Committee on Counties and County Boundaries.

No. 760, "An act to authorize the holders of State warrants to surrender the same to the Treasurer, and receive State bonds for the same." Committee on Finance.

No. 312, House joint resolution "Providing for a vote of the people of the State calling a convention to frame a new State Constitution." Committee on Constitutional Amendments.

And had passed a concurrent resolution "For the payment of scholastic census takers." Committee on Finance.

On motion of Senator Fountain, the rules were suspended and Senate bill No. 294, "An act to incorporate the Irish Immigration Aid and Colonization Association of the State of Texas," was read second time.

On motion, the Senate adjourned.

SENATE CHAMBER.)
AUSTIN, TEXAS, May 7, 1873.)

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.